

AMENDMENTS TO THE DRAWINGS

Please replace the drawing sheets currently on file with the attached replacement sheets, the changes to Figures 5 and 6 are shown on the attached annotated sheets.

REMARKS

Claims 1-8 are pending. Claims 1-4 and 6 have been amended. Claim 1 is the only independent claim. The specification has been amended to make the changes suggested in the Office Action except as discussed below. New drawings have been filed to effect the changes required in the Office Action.

Claims 5 and 6 were rejected under 35 U.S.C. 112, first paragraph. It is believed that the confusion is caused by the fact that the "corrected" Figure 5 that accompanied the First Preliminary Amendment filed with the application papers is itself incorrect. Figure 5 as corrected in the Article 34 Amendment in the International stage shows a "-" sign in each of steps S323 and S325 and a "+" sign in step S328. Unfortunately, through an inadvertent error, Figure 5 was "corrected" in the First Preliminary Amendment to show a "+" sign in each of steps S323 and S325 and a "-" sign in step S328. To bring the drawings in the present case back to where they should be, taking into account the Article 34 amendment, new formal drawings are filed herewith. These drawing sheets correct Figure 5 so as to read as that figure was amended in the International stage. Figure 6 has also been amended to include the label "Prior Art."

It is believed the correction of Figure 5 obviates the Section 112, first paragraph, rejection of claims 5 and 6.

With respect to the indication that the specification amendments were not entered because they had already been entered, Applicants request clarification. The First Preliminary Amendment amended the submitted English translation so that changes made under Article 34 would be incorporated therein.

Among the changes made in that Preliminary Amendment were changing "--" to "+" and "+" to "--" at pages 22 and 23. This was done to conform the English translation with the changes made in the Article 34 amendment at the International stage and to Figure 5. This section of the specification should read just as Applicant requested it be amended at pages 2 and 3 of the First Preliminary Amendment.

In view of the above, Applicant is not amending the "--" and "+" signs in the manner requested at Page 3 the Office Action. The way the specification reads currently at pages 22 and 23, taking into account the changes in the First Preliminary Amendment, is correct, in view of the "re-corrected" Figure 5.

Claims 1-8 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. The claims have been carefully reviewed and amended as deemed necessary to ensure that they conform fully to the requirements of Section 112, second paragraph, with special attention to the points raised in the Office Action. It is believed that the rejection under Section 112, second paragraph, has been obviated, and its withdrawal is therefore respectfully requested.

Claims 1, 2, 4 and 7 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent 5,542,097 (Ward et al.). Claim 3 was rejected under 35 U.S.C. § 103 as obvious from Ward et al. in view of U.S. Patent Publication No. 2002/0058493 (Ikeda et al.). Claim 3 was rejected under 35 U.S.C. § 103 as obvious from Ward et al. in view of JP 63-200626 (Iwasaki et al.). Applicant submits that amended claim 1 is patentable over Ward et al. for at least the following reasons.

According to the invention recited in independent Claim 1, when the propagation loss to one main apparatus from a communication terminal and the

propagation loss to a communication terminal from the main apparatus are calculated, and the difference of two propagation losses does not fall within the allowable range, it is determined that a transmitter/receiver of at least one of the communication terminal and the main apparatus has a failure.

On the other hand, column 9, lines 1-27, of Ward et al. (US 5,542,097) states that the satisfaction of equation (9) is required. Equation (9) indicates that the difference in uplink and downlink pathloss in a serving cell and the difference in uplink and downlink pathloss in a target cell are equal. Moreover, in Ward et al., if the difference between the difference in a serving cell and the difference in a target cell is smaller than a predefined threshold, it is regarded that equation (9) is satisfied.

Ward et al. determines whether the difference of the pathloss difference between two cells is inside of the allowable range, not whether the difference of the pathloss in one cell is inside of the allowable range. For at least this reason Ward et al. is different from the invention defined by amended Claim 1.

The other claims in this application are each dependent from the independent claim discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Dated: September 5, 2006

Respectfully submitted,

By


Joseph W. Ragusa

Registration No.: 38,586

DICKSTEIN SHAPIRO LLP

1177 Avenue of the Americas

41st Floor

New York, New York 10036-2714

(212) 277-6500

Attorney for Applicant

ANNOTATED SHEET

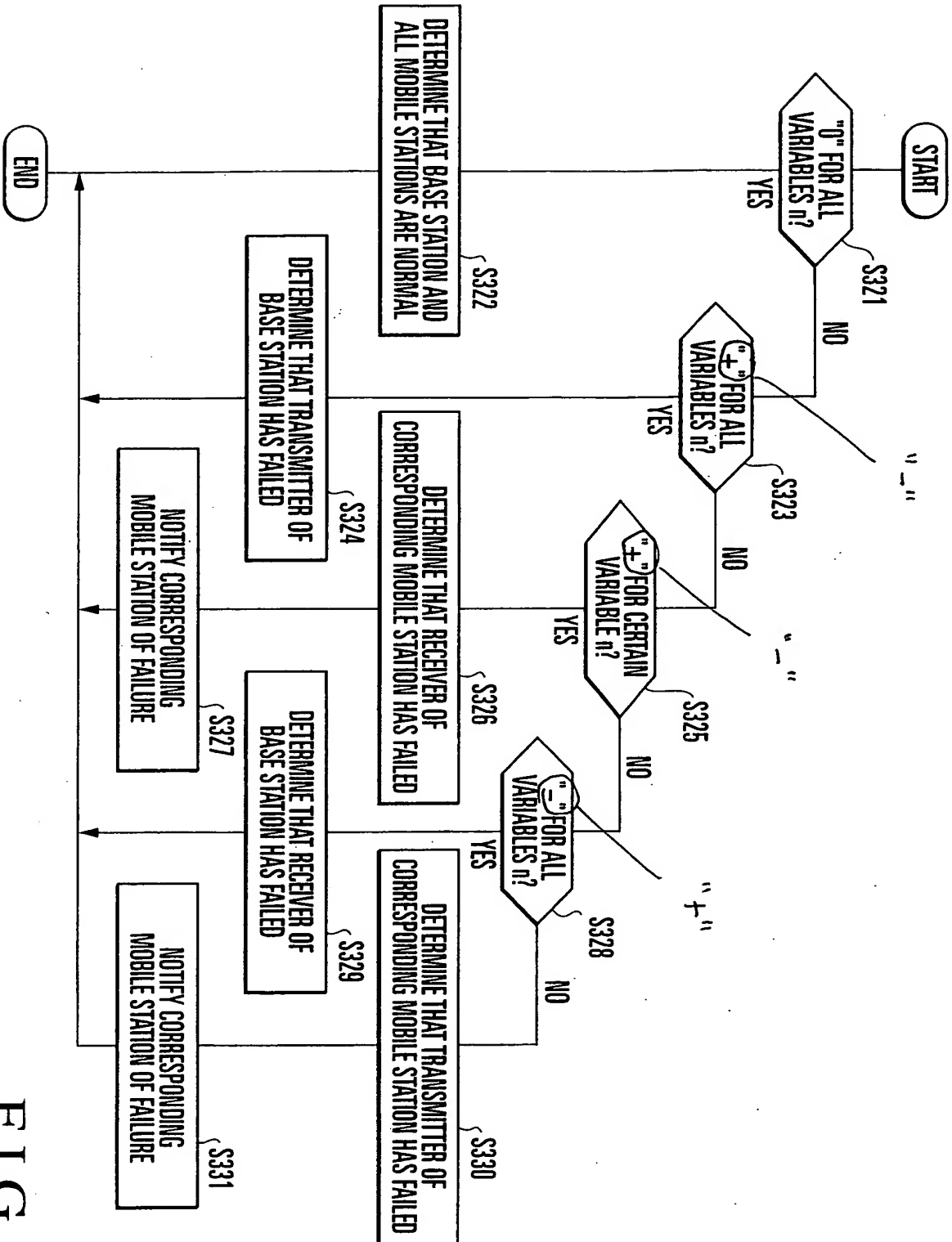


FIG. 5

ANNOTATED SHEET

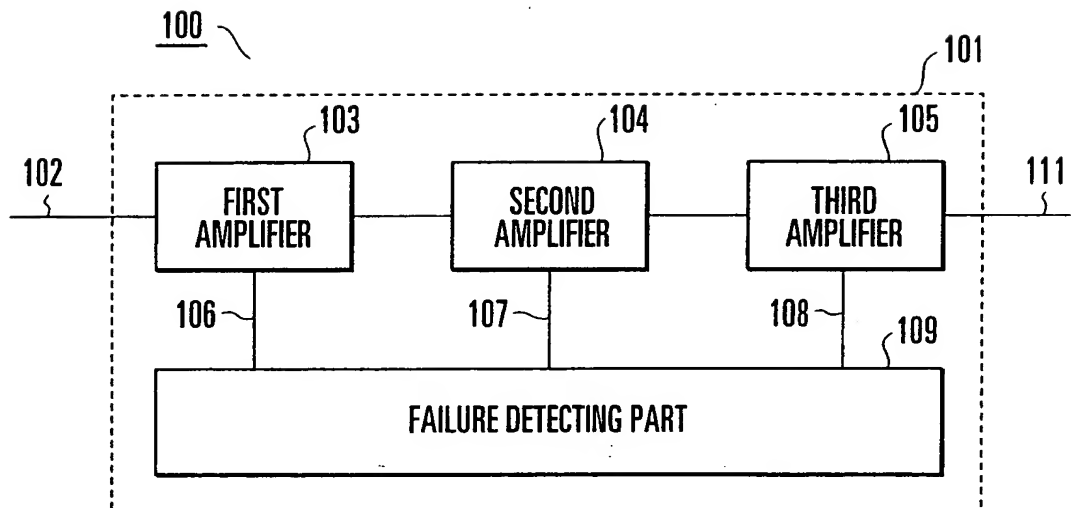


FIG. 6
PRIOR ART